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11 UNITED STATES DISTRICT COURT
12 WESTERN DISTRICT OF WASHINGTON

13 Firs Home Owners Association,

14 Plaintiff,

15 v.
16 City of SeaTac, a Municipal Corporation,
17 Defendant.

18 DEFENDANT'S AMENDED
19 ANSWER AND AFFIRMATIVE
20 DEFENSES TO FIRST
21 AMENDED COMPLAINT

22
23
24 Defendant City of SeaTac ("defendant") responds to plaintiff's first
25 amended complaint ("FAC") as follows:

26 Answering the introductory paragraph of the FAC, defendant is without
27 information or knowledge to form a belief as whether "almost all" members of
28 the Firs Home Owners Association "are Latino or Hispanic," and therefore
29 denies the same. Defendant denies each and every other allegation of the
30 introductory paragraph of the FAC.

DEFENDANT'S AMENDED ANSWER
AND AFFIRMATIVE DEFENSES TO
FIRST AMENDED COMPLAINT
NO. 2:19-cv-01130-RSL - 1

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3 **I. Parties**
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5 1.1. Answering paragraph 1.1 of the complaint, defendant admits the
6 same.
7

8 1.2. Answering paragraph 1.2 of the complaint, defendant is without
9 information or knowledge sufficient to form a belief as to the truth of said
10 allegations, and therefore denies the same. Answering footnote no. 1 to
11 paragraph 1.2 of the complaint, defendant admits only to the existence of legal
12 authority, including *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982),
13 which speaks for itself, and denies each and every other allegation of said
14 footnote.
15

16 1.3. Answering paragraph 1.3 of the complaint, defendant admits the
17 same.
18

19 **II. Jurisdiction and Venue**
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21 2.1. Answering paragraph 2.1 of the FAC, defendant admits the same.
22

23 **III. Facts**
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25 3.1. Answering paragraph 3.1 of the FAC, defendant is without
26 information or knowledge sufficient to form a belief as to the truth of said
27 allegations, and therefore denies the same.
28

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3 3.2 Answering paragraph 3.2 of the FAC, defendant is without
4 information or knowledge sufficient to form a belief as to the truth of said
5 allegations, and therefore denies the same.

7 3.3 Answering paragraph 3.3 of the FAC, defendant admits only that
8 defendant is among King County's most diverse cities. In answer to
9 demographic data referenced in paragraph 3.3 of the complaint, defendant
10 admits to the existence of a 2012 presentation regarding "South King County's
11 Changing Demographics," which speaks for itself as to content, and is without
12 information or knowledge sufficient to form a belief as to the accuracy of said
13 data, and therefore denies the same.

16 3.4 Answering paragraph 3.4 of the FAC, defendant admits only to
17 the existence of the City of SeaTac Comprehensive Plan Land Use Background
18 Report, which speaks for itself as to content, and denies each and every other
19 allegation of said paragraph.

22 3.5 Answering paragraph 3.5 of the FAC, defendant admits only to
23 the existence of the 2013-2017 American Community Survey 5-Year Estimate,
24 which speaks for itself as to content, and denies each and every other allegation
25 of said paragraph.

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3 3.6 Answering paragraph 3.6 of the FAC, defendant admits only that
4
5 Spanish is the primary language spoken by some adult heads of households
6 located within the Firs Mobile Home Park. Defendant is without information
7 or knowledge sufficient to form a belief as to the truth of each and every other
8 allegation of said paragraph, including footnote no. 2 to said paragraph, and
9 therefore denies the same.

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11 3.7 Answering paragraph 3.7 of the FAC, defendant is without
12 information or knowledge sufficient to form a belief as to the truth of said
13 allegations, and therefore denies the same.

14
15 3.8 Answering paragraph 3.8 of the FAC, defendant admits that it is a
16 signatory to an Interlocal Cooperation Agreement Regarding the Community
17 Development Block Grant Program covering the 2015, 2016 and 2017 federal
18 fiscal years, which speaks for itself as to content, and that said interlocal
19 agreement is ongoing, and denies each and every other allegation of said
20 agreement is ongoing, and denies each and every other allegation of said
21 paragraph.

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23 3.9 Answering the first sentence of paragraph 3.9 of the FAC,
24 defendant is without information or knowledge sufficient to form a belief as to
25 the existence of a King County Housing and Community Development

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3 Program, and therefore denies the same. Defendant admits to the existence of
4 a King County Consortium Consolidated Housing and Community
5 Development Plan, which speaks for itself as to content. Answering the rest of
6 paragraph 3.9 of the FAC, the interlocal agreement described in answer to
7 paragraph 3.8 of the FAC speaks for itself as to content. Defendant denies
8 each and every other allegation of said paragraph.
9

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11 3.10 Answering the first sentence of paragraph 3.10 of the FAC,
12 defendants admits only that defendant adopted amendments to its
13 comprehensive plan in June, 2015, that the Comprehensive Plan as amended in
14 June, 2015 speaks for itself as to content, and to the existence of Washington's
15 Growth Management Act, Wash. Rev. Code Chapter 36.70A, which also
16 speaks for itself as to content. Defendant denies each and every other
17 allegation of said paragraph.
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20 3.11 Answering paragraph 3.11 of the FAC, defendant admits only to
21 the existence of the 2015-2019 Consolidated Plan of the King County
22 Consortium, which speaks for itself as to content, and denies each and every
23 other allegation of said paragraph.
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3 3.12 Answering paragraph 3.12 of the FAC, defendant is without
4 information or knowledge sufficient to form belief as to the truth of said
5 allegations, and therefore denies the same.

7 3.13 Answering paragraph 3.13 of the FAC, defendant admits only to
8 the existence of the City of SeaTac 2015/16 biennial budget, which speaks for
9 itself as to content, and denies each and every other allegation of said
10 paragraph.

12 3.14 Answering paragraph 3.14 of the FAC, defendant admits only to
13 locating records suggesting said allegations to be accurate. Defendant cannot
14 independently confirm the accuracy of these records, or the truth of the
15 allegations set forth in paragraph 3.14 of the FAC, and therefore denies the
16 same.

19 3.15 Answering paragraph 3.15 of the FAC, defendant admits only that
20 the SeaTac City Council appointed James Payne as Interim City Manager on
21 January 19, 2016, and denies each and every other allegation of said paragraph.

23 3.16 Answering the first sentence of paragraph 3.16 of the FAC,
24 defendant admits only that Washington State Representative Matt Shea was
25 invited to make a presentation to the SeaTac City Council, which presentation

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3 spoke for itself as to content, and that Riverton Heights Park is located near the
4 Islamic Center of Seattle. Defendant is without information or knowledge
5 sufficient to form a belief as to who invited Representative Shea, and therefore
6 denies the allegation that Representative Shea was invited by then-Mayor Rick
7 Forschler. Defendant is without information or knowledge sufficient to form a
8 belief as to the truth of the allegation that Washington State Representative
9 Matt Shea is controversial, and therefore denies the same. Defendant denies
10 each and every other allegation of said sentence. Answering the second and
11 third sentences of paragraph 3.16 of the FAC, and footnote 3 of paragraph 3.16
12 of the FAC, defendant admits only to the existence of an August 26, 2019,
13 newspaper article in the Inlander, which speaks for itself as to content, and
14 denies each and every other allegation of said sentences and footnote.
15
16

17 3.17 Answering the first sentence of paragraph 3.17 of the FAC,
18 defendant admits only that City Manager James Payne resigned on or about
19 April 6, 2016, and to the existence of a report from an outside investigator,
20 Michael Griffin, which speaks for itself as to content. Defendant denies each
21 and every other allegation of said sentence. Answering each and every other
22 allegation set forth in paragraph 3.17 of the FAC, the investigator's report
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3 speaks for itself as to content and no response is required. To the extent a
4 response is required, defendant denies each and every other allegation of the
5 second, third and fourth sentences of paragraph 3.17 of the FAC.
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7 3.18 Answering paragraph 3.18 of the FAC, defendant admits the
8 same.
9

10 3.19 Answering paragraph 3.19 of the FAC, defendant admits only to
11 locating records suggesting said allegations to be accurate. Defendant cannot
12 independently confirm the accuracy of these records, or the truth of the
13 allegations set forth in paragraph 3.19 of the FAC, and therefore denies the
14 same.
15

16 3.20 Answering paragraph 3.20 of the complaint, defendant is without
17 information or knowledge sufficient to form a belief as to the truth of said
18 allegations and therefore denies the same.
19

20 3.21 Answering the first and second sentences of paragraph 3.21 of the
21 FAC, defendant is without information or knowledge sufficient to form a belief
22 as to the truth of the allegations set forth therein, and therefore denies the same.
23 Answering the third sentence of paragraph 3.21 of the FAC, defendant denies
24 the same.
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3.22 Answering the first, third and fourth sentences of paragraph 3.22
of the FAC, defendant admits only to the existence of SeaTac Municipal Code
(SMC) § 15.465.600.H, which speaks for itself as to content, and denies each
and every other allegation of said sentences. Answering the second sentence of
paragraph 3.22 of the FAC, said sentence makes erroneous statements of law,
to which- no response is required. To the extent a response is required,
defendant denies the same. Answering the fifth sentence of paragraph 3.22 of
the FAC, defendant admits the same.

3.23 Answering paragraph 3.22 of the FAC, defendant denies the same.

3.24 Answering paragraph 3.24 of the FAC, defendant cannot
determine what the plaintiff means by "throughout the relocation process,"
which defendant understands to be ongoing, and therefore denies the same.

3.25 Answering paragraph 3.25 of the FAC, defendant admits only to
the existence of SMC § 15.465.600.H, which speaks for itself as to content, and
denies each and every other allegation of said paragraph.

3.26 Answering the first and second sentence of paragraph 3.26 of the
FAC, defendant admits only that the landlord sent letters in English to residents
of the Firs Mobile Home Park inviting them to a meeting on July 11, 2016, at a

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3 private hotel, regarding the proposed closure of the mobile home park.
4
5 Defendant denies each and every other allegation of said sentences. Answering
6 the third sentence of paragraph 3.26 of the FAC, defendant admits only that
7 Steve Pilcher attended the meeting and denies each and every other allegation
8 of said sentence. Answering the fourth, fifth and sixth sentence of paragraph
9 3.26 of the FAC, defendant is without information or knowledge sufficient to
10 form a belief as to the truth of said allegations, and therefore denies the same.
11
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13 3.27 Answering paragraph 3.27 of the complaint, defendant admits
14 only to a judgment entered against it by Judge Richard McDermott in *K & S*
15 *Developments, LLC v. City of SeaTac*, King County Superior Court Cause No.
16 12-2-40564-6, which speaks for itself as to content, and that Jeffrey Robinson
17 was named as a defendant. The defendant denies the plaintiff's
18 characterization of the facts and ruling in that lawsuit, and further denies each
19 and every other allegation of said paragraph.
20
21

22 3.28 Answering the first sentence of paragraph 3.28 of the FAC,
23 defendant admits issuing a State Environmental Policy Act (SEPA) threshold
24 determination of non-significance on July 22, 2016, which speaks for itself as
25 to content, and denies each and every other allegation of said sentence.
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Answering the second sentence of paragraph 3.28 of the FAC, defendant denies that it "failed" to provide SEPA related materials in Spanish and further denies that it had any obligation or duty to do so.

3.29 Answering paragraph 3.29 of the FAC, defendant admits the same.

3.30 Answering 3.30 of the FAC, defendant admits only that the Angle Lake Light Rail Station opened in September 2016 and that the station is less than one mile from the Firs Mobile Home Park. Defendant denies each and every other allegation of said paragraph.

3.31 Answering the first sentence of paragraph 3.31 of the FAC, defendant admits the same. Answering the second, third and fourth sentences of paragraph 3.31 of the FAC, defendant denies the same. Answering the fifth sentence of paragraph 3.31 of the FAC, defendant admits the same. Answering the sixth sentence of paragraph 3.31 of the complaint, defendant admits the same.

3.32 Answering paragraph 3.32 of the FAC, defendant admits the same.

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3.33 Answering the first and third sentences of paragraph 3.33 of the
FAC, defendant admits the same. Answering the second sentence of paragraph
3.33 of the FAC, defendant denies that it "failed" to provide the relocation
approval letter in Spanish, denies that it "failed" to provide residents with
information in Spanish about their appeal rights, and further denies that it had
any obligation or duty to do either.

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3.34 Answering paragraph 3.34 of the FAC, defendant is without
information or knowledge sufficient to form a belief as to the truth of the
allegations set forth therein, and therefore denies the same.

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3.35 Answering paragraph 3.35 of the FAC, defendant is without
information or knowledge sufficient to form a belief as to the truth of the
allegations set forth therein, and therefore denies the same.

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3.36 Answering the first sentence of paragraph 3.36 of the FAC,
defendant admits only that individuals who purported to be residents of the First
Mobile Home Park spoke at the regular council meeting of October 25, 2016,
that their comments speak for themselves. Defendants are without information
or knowledge sufficient to form a belief as to whether these individuals were
"HOA members," and therefore denies the same. Defendant denies each and

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3 every other allegation of said sentence. Answering the second sentence of
4 paragraph 3.36 of the FAC, defendant denies that it "refused" to extend the
5 appeal deadline, and is without information or knowledge sufficient to form a
6 belief as to whether "many" of the families did or did not receive notice of the
7 approval of the relocation plan until on or about October 25, 2016, and
8 therefore denies the same. Defendant denies each and every other allegation of
9 said sentence.

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12 3.37 Answering the first sentence of paragraph 3.37 of the FAC,
13 defendant admits only that members of the SeaTac City Council spoke at the
14 October 25, 2016, regular council meeting and is without information or
15 knowledge sufficient to form a belief as to whether residents of the Firs
16 considered their comments to be hostile or discriminatory, and therefore denies
17 the same. Answering the second sentence of paragraph 3.37 of the FAC,
18 defendant denies that it "failed" to provide Spanish-language interpreters at the
19 October 25, 2016, regular council meeting, and further denies that it had any
20 obligation or duty to do so. Defendant is without information or knowledge
21 sufficient to form a belief as to the truth of the allegation that this City Council
22 Meeting was attended by "Firs MHP residents," and therefore denies the same.
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3 Answering the third sentence of paragraph 3.37 of the FAC, the official
4 minutes of the October 25, 2016, SeaTac City Council meeting speak for
5 themselves, and no response is required. To the extent a response is required,
6 defendant denies the same.
7
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9 3.38 Answering paragraph 3.38 of the FAC, statements by then-Acting
10 City Manager Jose Scorcio at the October 25, 2016, regular meeting of the
11 SeaTac City Council speak for themselves, and no response is therefore
12 required. To the extent a response is required, defendant denies plaintiff's
13 characterization of Mr. Scorcio's comments.
14
15

16 3.39 Answering paragraph 3.39 of the FAC, statements by then-
17 Councilmember Kathryn Campbell and then-Acting City Manager Jose Scorcio
18 at the October 25, 2016, regular meeting of the SeaTac City Council speak for
19 themselves, and no response is therefore required. To the extent a response is
20 required, defendant denies the same.
21
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23 3.40 Answering paragraph 3.40 of the FAC, statements by
24 Councilmember Tony Anderson at the October 25, 2016, regular meeting of
25 the SeaTac City Council speak for themselves, and no response is therefore
26 required. To the extent a response is required, defendant denies the same.
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3 Answering footnote 4 to paragraph 3.40 of the FAC, said footnote is not
4 directed at defendant and not response is required. To the extent a response is
5 required, defendant is without information or knowledge sufficient to form a
6 belief as to the truth of said allegations, and therefore denies the same.
7
8

9 3.41 Answering the first sentence of paragraph 3.41 of the FAC,
10 defendant denies the same. Answering each and every other allegation of said
11 paragraph, statements by members of the SeaTac City Council at the October
12 25, 2016, regular meeting of the SeaTac City Council speak for themselves as
13 to content, and no response is required. To the extent a response is required,
14 defendant admits only that former Mayor Sietkes resigned his seat and denies
15 each and every other allegation of said sentences.
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18 3.42 Answering paragraph 3.42 of the FAC, defendant admits only to
19 the existence of email correspondence from Joseph Scorcio to Monica
20 Mendoza-Castrejon dated October 30, 2016, which speaks for itself, and denies
21 each and every other allegation of said paragraph.
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23

24 3.43 Answering paragraph 3.43 of the complaint, defendant denies the
25 same. Defendant admits that Crisanto Medina (but not other individual
26
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members of the HOA) timely appealed defendant's approval of the relocation plan.

3.44 Answering paragraph 3.44 of the FAC, defendant denies the same.

3.45 Answering paragraph 3.45 of the FAC, defendant admits only that members of the public spoke at the SeaTac City Council meeting on November 22, 2016, and that said comments speak for themselves. Defendant denies each and every other allegation of said paragraph.

3.46 Answering the first sentences of paragraph 3.46 of the FAC, defendant admits the same. Answering the second sentence of paragraph 3.46 of the FAC, defendant admits that King County awarded an additional \$338,400 in CDBG funds and denies each and every other allegation of said sentence. Answering the third sentences of paragraph 3.46 of the FAC, defendant admits the same.

3.47 Answering paragraph 3.47 of the FAC, defendant is without information or knowledge sufficient to form belief as to the truth of said allegations, and therefore denies the same.

3.48 Answering the first and second sentence of paragraph 3.48 of the FAC, defendant admits the same. Answering the third and fourth sentences of

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3 paragraph 3.48 of the FAC, defendant admits only that members of the public
4 and also Steve Pilcher spoke at the public hearing on January 19, 2017, the
5 comments and testimony of whom speaks for themselves. Defendant is
6 without information or knowledge sufficient to form a belief as to whether any
7 people who spoke at the hearing were "HOA members," and therefore denies
8 the same. Defendant denies each and every other allegation of said paragraph.
9
10

11 3.49 Answering paragraph in 3.49 of the FAC, defendant admits only
12 to the existence of briefing filed by the City of SeaTac with the hearing
13 examiner, which speaks for itself as to content, and denies each and every other
14 allegation of said paragraph.
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16

17 3.50 Answering paragraph 3.50 of the FAC, defendant is without
18 information or knowledge sufficient to form a belief as to the truth of said
19 allegations, and therefore denies the same.
20
21

22 3.51 Answering paragraph 3.51 of the FAC, defendant admits only to
23 the existence of the hearing examiner's report and decisions dated February 22,
24 2017, which speaks for itself as to content, and denies each and every other
25 allegation of said paragraph.
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3 3.52 Answering paragraph 3.52 of the FAC, defendant admits the
4 same.
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6 3.53. Answering paragraph 3.52 of the FAC, defendant denies the same.
7

8 3.54 Answering paragraph 3.54 of the FAC, defendant denies the same.
9

10 3.55 Answering paragraph 3.55 of the FAC, defendant admits only to
11 the existence of an order of King County Superior Court Judge Judith H.
12 Ramseyer dated May 26, 2017, in King County Superior Court case number
13 17-2-07094 KNT, which speaks for itself as to content, and denies each and
14 every other allegation of said paragraph.

15 3.56 Answering paragraph 3.56 of the FAC, defendant lacks
16 information or knowledge sufficient to form a belief as to the existence of any
17 oral or written order of the King County Superior Court on May 31, 2017, and
18 therefore denies the same. To the extent such order may exist, the order speaks
19 for itself as to content. Defendant denies each and every other allegation of
20 for itself as to content. Defendant denies each and every other allegation of
21 said paragraph.

22 3.57 Answering paragraph 3.57 of the FAC, defendant is without
23 information or knowledge sufficient to form a belief as to the truth of said
24 allegations, and therefore denies the same.
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3.58 Answering paragraph 3.58 of the FAC, defendant is without
information or knowledge sufficient to form a belief as to the truth of said
allegations, and therefore denies the same.

3.59 Answering paragraph 3.59 of the FAC, defendant is without
information or knowledge sufficient to form belief as to the truth of said
allegations, and therefore denies the same.

3.60 Answering paragraph 3.60 of the FAC, defendant is without
information or knowledge sufficient to form a belief as to the truth of said
allegations, and therefore denies the same.

3.61 Answering paragraph 3.61 of the FAC, defendant is without
information or knowledge sufficient to form a belief as to the truth of said
allegations, and therefore denies the same.

3.62 Answering paragraph 3.62 of the FAC, defendant denies the same.

3.63 Answering paragraph 3.63 of the FAC, defendant is without
information or knowledge sufficient to form a belief as to the truth of said
allegations, and therefore denies the same.

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3 3.64 Answering paragraph 3.64 of the FAC, defendant is without
4 information or knowledge sufficient to form a belief as to the truth of said
5 allegations, and therefore denies the same.

7 3.65 Answering paragraph 3.65 of the FAC, defendant is without
8 information or knowledge sufficient to form a belief as to the truth of said
9 allegations, and therefore denies the same.

11 3.66 Answering paragraph 3.66 of the FAC, defendant admits only that
12 then-Mayor Siefkes spoke at the December 12, 2017, special meeting of the
13 SeaTac City Council and that his comments speak for themselves. Defendant
14 denies each and every other allegation of said paragraph.

16 3.67 Answering paragraph 3.67 of the FAC, defendant is without
17 information or knowledge sufficient to form a belief as to the truth of said
18 allegations, and therefore denies the same.

20 3.68 Answering paragraph 3.68 of the FAC, defendant does not have a
21 transcript of court proceedings on December 15, 2017, and lacks information
22 or knowledge sufficient to form a belief as to the truth of said allegations, and
23 therefore denies the same.

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27
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3 3.69 Answering paragraph 3.69 of the FAC, defendant is without
4 information or knowledge sufficient to form a belief as to the truth of said
5 allegations, and therefore denies the same.

7 3.70 Answering paragraph 3.70 of the FAC, defendant is without
8 information or knowledge sufficient to form a belief as to the truth of said
9 allegations, and therefore denies the same.

11 3.71 Answering paragraph 3.71 of the FAC, defendant is without
12 information or knowledge sufficient to form a belief as to the truth of said
13 allegations, and therefore denies the same.

15 3.72 Answering the first and second sentences of paragraph 3.72 of the
16 FAC, defendant admits only to a Human Services Needs Assessment prepared
17 for the City of SeaTac by Kone Consulting and released on or about January 9,
18 2018, which speaks for itself as to content. Defendant denies plaintiff's
19 characterization of the report's "recommendations." Answering the third and
20 fourth sentence of paragraph 3.72 of the FAC, defendant does not have a
21 recording or transcript of the Special Administration and Finance Committee
22 meeting on January 17, 2018, and is therefore without information or
23 knowledge sufficient to form a belief as to the truth of said allegations, and

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3 therefore denies the same. Defendant admits the existence of minutes from
4 that meeting, which speak for themselves as to content. Defendant denies each
5 and every other allegation of said paragraph.
6

7 3.73 Answering paragraph 3.73 of the FAC, defendant admits only to a
8 tweet from Mayor Erin Sitterly on or about January 19, 2018, which speaks for
9 itself as to content, and denies each and every other allegation of said
10 paragraph.
11

12 3.74 Answering paragraph 3.74 of the FAC, defendant is without
13 information or knowledge sufficient to form a belief as to the truth of said
14 allegations, and therefore denies the same.
15

16 3.75 Answering paragraph 3.75 of the FAC, defendant is without
17 information or knowledge sufficient to form a belief as to the truth of said
18 allegations, and therefore denies the same.
19

20 3.76 Answering the first and second sentences of paragraph 3.76 of the
21 FAC, defendant admits only to the existence of the Seattle Times article
22 referenced therein, which speaks for itself as to content, and denies each and
23 every other allegation of said sentences. Answering the third and fourth
24 sentences of paragraph 3.76 of the FAC, defendant is without information or
25
26

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knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same. Defendant denies that it "did not make any effort to help the HOA leverage this incredible contribution" and denies that it refused to cooperate "with the HOA to leverage these funds."

3.77 Answering paragraph 3.77 of the FAC, defendant admits only to the existence of the City of SeaTac ADA Transition Plan, dated April 27, 2018, which speaks for itself as to content, and denies each and every other allegation of said paragraph.

3.78 Answering paragraph 3.78 of the FAC, defendant admits only to the existence of an oral ruling by King County Superior Court Judge LeRoy McCullough on June 7, 2018, which speaks for itself as to content, and denies each and every other allegation of said paragraph.

3.79 Answering paragraph 3.79 of the FAC, defendant admits only to the existence of an oral ruling by King County Superior Court Judge LeRoy McCullough on June 7, 2018, which speaks for itself as to content, and denies each and every other allegation of said paragraph.

3.80 Answering paragraph 3.80 of the FAC, defendant admits only to the existence of a written order entered by King County Superior Court Judge

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LeRoy McCullough on September 19, 2018, which speaks for itself as to content, and denies each and every other allegation of said paragraph.

3.81 Answering paragraph 3.81 of the FAC, defendant denies the same.

3.82 Answering the first sentence of paragraph 3.82 of the FAC, the term "pre-litigation tort claim" is not defined. With the understanding that the plaintiff intended to reference a "standard tort claim form," defendant admits that the plaintiff filed said form with defendant on February 13, 2019, which form speaks for itself as to content, and denies each and every other allegation of said sentence. Answering the second sentence of paragraph 3.82 of the FAC, defendant admits the same.

3.83 Answering the first and second sentence of paragraph 3.83 of the FAC, defendant admits the same. Answering the third sentence of paragraph 3.83 of the FAC, defendant denies the same. Answering the fourth, fifth and sixth sentences of paragraph 3.83 of the FAC, defendant admits only that several parties involved in the mediation reached a settlement agreement, which speaks for itself as to content. Defendant denies each and every other allegation of said paragraph.

IV. Claims

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3 4.1 Defendant repeats, realleges and incorporates by reference each of
4 the foregoing answers.
5

6 4.2 Answering paragraph 4.2 of the FAC, said paragraph sets forth
7 general statements of law to which no response is required. To the extent a
8 response is required, defendant admits only to the existence of the Washington
9 Law Against Discrimination (the "WLAD"), codified at Wash. Rev. Code
10 Chapter 49.60, which speaks for itself as to purpose and content, and denies
11 each and every other allegation of said paragraph.
12
13

14 4.3 Answering paragraph 4.3 of the FAC, said paragraph sets forth
15 general statements of law to which no response is required. To the extent a
16 response is required, defendant admits only to the existence of the WLAD and
17 case law authority interpreting and applying the WLAD, including *Blackburn*
18 *v. Dept. of Soc. & Health Services*, 186 Wn.2d 250, 375 P.3d 1076 (2016), and
19 *Howell v. Dept. of Soc. & Health Services*, 7 Wn. App. 2d 899, 436 P.3d 368
20 (2019), each of which speaks for itself as to content, and denies each and every
21 other allegation of said paragraph.
22
23

24 4.4 Answering paragraph 4.4 of the FAC, said paragraph sets forth
25 general statements of law and legal argument to which no response is required.
26
27

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To the extent a response is required, defendant admits only to the existence of the WLAD and case law authority interpreting and applying the WLAD, including *Blackburn and Taylor v. Burlington Northern Railroad Holdings, Inc.*, 193 Wn.2d 611, 44 P.3d 606 (2019), each of which speaks for itself as to content, and denies each and every other allegation of said paragraph.

4.5 Defendant repeats, realleges and incorporates by reference each of the foregoing answers.

4.6 Answering the first and second sentences of paragraph 4.6 of the FAC, defendant denies the same. Answering the third sentence of paragraph 4.6 of the FAC, defendant admits only that it used City funds to review and retranslate portions of the relocation plan translated into Spanish and denies each and every other allegation of said sentence. Answering each and every other allegation in paragraph 4.6 of the FAC, defendant denies the same.

4.7 Defendant repeats, realleges and incorporates by reference each of the foregoing answers.

4.8 Answering the first sentence of paragraph 4.8 of the FAC, defendant admits only to the existence of an oral ruling and written order by Judge McCullough, each of which speaks for itself as to content, and denies

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3 each and every other allegation of said sentence. Answering each and every
4 other allegation in paragraph 4.8 of the FAC, defendant denies the same.
5

6 4.9 Defendant repeats, realleges and incorporates by reference each of
7 the foregoing answers.
8

9 4.10 Answering the first, second, third and fourth sentences of
10 paragraph 4.10 of the FAC, defendant admits only to the existence of an oral
11 ruling and written order by Judge McCullough, each of which speaks for itself
12 as to content, and denies each and every other allegation of said sentences.
13
14 Answering each and every other allegation in paragraph 4.10 of the FAC,
15 defendant denies the same.
16

17 4.11 Defendant repeats, realleges and incorporates by reference each of
18 the foregoing answers.
19

20 4.12 Answering the first sentence of paragraph 4.12 of the FAC,
21 defendant is without information or knowledge sufficient to form a belief as to
22 the truth of said allegations, and therefore denies the same. Answering each
23 and every other allegation in paragraph 4.12 of the FAC, defendant denies the
24 same.
25
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3 4.13 Defendant repeats, realleges and incorporates by reference each of
4 the foregoing answers.
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6 4.14 Answering paragraph 4.14 of the FAC, defendant denies the same.
7

8 4.15 Defendant repeats, realleges and incorporates by reference each of
9 the foregoing answers.
10

11 4.16 Answering paragraph 4.16 of the FAC, defendant denies the same.
12

13 4.17 Defendant repeats, realleges and incorporates by reference each of
14 the foregoing answers.
15

16 4.18 Answering paragraph 4.18 of the FAC, defendant is without
17 information or knowledge sufficient to form a belief as to the truth of said
18 allegations, therefore denies the same.
19

20 4.19 Answering paragraph 4.19 of the FAC, said paragraph sets forth
21 general statements of law to which no response is required. To the extent a
22 response is required, defendant admits only to the existence of RCW 2.43.010,
23 which speaks for itself as to content, and denies each and every other allegation
24 of said paragraph.
25

26 4.20 Answering the first sentence of paragraph 4.20 of the FAC, said
27 sentence sets forth general statements of law to which no response is required.
28

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To the extent a response is required, defendant admits only to the existence of RCW 2.43.020(3), which speaks for itself as to content, and denies each and every other allegation of said sentence. Answering the second sentence of paragraph 4.20 of the FAC, defendant denies the same.

4.21 Answering the first sentence of paragraph 4.21 of the FAC, defendant denies the same. Answering the second sentence of paragraph 4.21 of the FAC, the term "SEPA materials" is not defined. To the extent said term is intended to reference the threshold determination made by the City pursuant to Wash. Rev. Code Ch. 43.21C, defendant admits only that the City did not translate the threshold determination into Spanish and denied it had any obligation or duty to do so. Defendant denies each and every other allegation of said sentence. Answering the third sentence of paragraph 4.21 of the FAC, defendant denies the same.

4.22 Answering paragraph 4.22 of the FAC, defendant admits only to the existence of statements by Councilmembers Anderson and Campbell at the October 25, 2016, SeaTac City Council meeting, each of which speaks for itself, and denies each and every other allegation of said paragraph.

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4.23 Answering the first two sentences of paragraph 4.23 of the FAC,
said sentences contain general statements of law to which no response is
required. To the extent a response is required, the case law authority cited
therein speaks for itself as to content. Defendant denies each and every other
allegation of said sentences. Answering the third sentence of paragraph 4.23 of
the FAC, defendant denies the same.

4.24 Answering paragraph 4.24 of the FAC, defendant denies the same.

4.25 Defendant repeats, realleges and incorporates by reference each
of the foregoing answers.

4.26 Answering paragraph 4.26 of the FAC, defendant denies the same.

4.27 Defendant repeats, realleges and incorporates by reference each
of the foregoing answers.

4.28 Answering the first sentence of paragraph 4.28 of the FAC, said
sentence makes general statements of law to which no response is required. To
the extent a response is required, defendant admits only to the existence of
SMC § 15.465.600.H, which speaks for itself as to content, and denies each
and every other allegation of said paragraph. Answering the second sentence
of paragraph 4.28 of the FAC, defendant is without information or knowledge

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sufficient to form a belief as to the truth of said allegations, and therefore
denies the same. Answering each and every other allegation of paragraph 4.28
of the FAC, defendant denies the same.

4.29 Defendant repeats, realleges and incorporates by reference each of
the foregoing answers.

4.30 Answering paragraph 4.30 of the FAC, defendant denies the same.

4.31 Defendant repeats, realleges and incorporates by reference each of
the foregoing answers.

4.32 Answering paragraph 4.32 of the FAC, defendant denies the same.

4.33 Defendant repeats, realleges and incorporates by reference each of
the foregoing answers.

4.34 Answering the first sentence of paragraph 4.34 of the FAC, said
sentence makes general statements of law to which no response is required. To
the extent a response is required, defendant admits only to the existence of
RCW 49.60.222, which speaks for itself as to content, and denies each and
every other allegation of said sentence. Answering each and every other
allegation of paragraph 4.34 of the FAC, defendant denies the same.

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3 4.35 Defendant repeats, realleges and incorporates by reference each of
4 the foregoing answers.
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6 4.36 Answering paragraph 4.36 of the FAC, defendant denies the same.
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8 4.37 Defendant repeats, realleges and incorporates by reference each of
9 the foregoing answers.
10

11 4.38 Answering the first, second, third and fourth sentences of
12 paragraph 4.38 of the FAC, defendant admits only to the existence of an oral
13 ruling and written order by Judge McCullough, each of which speaks for itself
14 as to content, and denies each and every other allegation of said sentences.
15 Answering each and every other allegation in paragraph 4.38 of the FAC,
16 defendant denies the same.
17

18 4.39 Defendant repeats, realleges and incorporates by reference each of
19 the foregoing answers.
20

21 4.40 Answering the first sentence of paragraph 4.40 of the FAC,
22 defendant is without information or knowledge sufficient to form a belief as to
23 the truth of said allegations, and therefore denies the same. Answering each
24 and every other allegation in paragraph 4.40 of the FAC, defendant denies the
25 same.
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4.41 Defendant repeats, realleges and incorporates by reference each of
the foregoing answers.

4.42 Answering paragraph 4.42 of the FAC, defendant denies the same.

4.43 Defendant repeats, realleges and incorporates by reference each of the foregoing answers.

4.44 Answering paragraph 4.44 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, therefore denies the same.

4.45 Answering paragraph 4.45 of the FAC, defendant admits only to the existence of interlocal agreements with King County, each of which speaks for itself as to content. Paragraph 4.45 does not reference any specific contract by date or subject matter and defendant is therefore without information or knowledge sufficient to form a belief as to whether any particular contract or agreement with King County obligates it to comply with federal LEP policies and procedures, and therefore denies the same.

4.46 Answering the first sentence of paragraph 4.46 of the FAC, said sentence makes general statements of law to which no response is required. To the extent a response is required, defendant admits only to the existence of

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3 guidance from the federal government concerning Title VI, including guidance
4 at 72 Fed. Reg. 2732, 2751, which speaks for itself as to content, and denies
5 each and every other allegation of said sentence. Answering the second
6 sentence of paragraph 4.46 of the FAC, defendant denies the same.
7
8

9 4.47 Answering paragraph 4.47 of the FAC, said sentence makes
10 general statements of law to which no response is required. To the extent a
11 response is required, defendant admits only to the existence of guidance from
12 the federal government concerning Title VI, including guidance at 72 Fed. Reg.
13 2732, 2751, which speaks for itself as to content, and denies each and every
14 other allegation of said paragraph.
15
16

17 4.48 Answering paragraph 4.48 of the FAC, defendant denies the same.
18
19

20 4.49 Answering paragraph 4.49 of the FAC, defendant admits only to
21 the existence of statements by Councilmembers Anderson and Campbell at the
22 October 25, 2016, SeaTac City Council meeting, each statement of which
23 speaks for itself, and denies each and every other allegation of said paragraph.
24
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26 4.50 Answering paragraph 4.50 of the FAC, said sentence makes
27 general statements of law to which no response is required. To the extent a
28 response is required, defendant admits only to the existence of case law
29
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3 authority, including *Almendares v. Palmer*, 284 F. Supp. 2d 79 (N.D. Ohio
4 2003), which speaks for itself as to content, and denies each and every other
5 allegation of said paragraph.
6

7 4.51 Answering the first sentence of paragraph 4.51 of the FAC,
8 defendant denies the same. Answering the second sentence of paragraph 4.51
9 of the FAC, said sentence makes general statements of law to which no
10 response is required. To the extent a response is required, defendant admits
11 only to the existence of federal legislation, which speaks for itself as to content,
12 and denies each and every other allegation of said sentence.
13
14

15 4.52 Defendant repeats, realleges and incorporates by reference each of
16 the foregoing answers.
17

18 4.53 Answering paragraph 4.53 of the FAC, defendant denies the same.
19
20

21 4.54 Defendant repeats, realleges and incorporates by reference each of
the foregoing answers.
22

23 4.55 Answering paragraph 4.55 of the FAC, defendant denies the same.
24
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26 4.56 Defendant repeats, realleges and incorporates by reference each of
the foregoing answers.
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3 4.57 Answering the first and second sentences of paragraph 4.57 of the
4 FAC, defendants deny the same. Answering the third sentence of paragraph
5
6 4.57 of the FAC, said sentence makes general statements of law to which no
7 response is required. To the extent a response is required, defendant admits
8 only to the existence of federal legislation, including 42 U.S.C. § 3608, which
9 speaks for itself as to content, and denies each and every other allegation of
10 said paragraph.

12
13 4.58 Answering the first sentence of paragraph 4.58 of the FAC,
14 defendant admits only to the existence of contracts and agreements with King
15 County, each of which speaks for itself as to content, and denies each and
16 every other allegation of said sentence. Answering the second, third and fourth
17 sentences of paragraph 4.58 of the FAC, said sentences make general
18 statements of law to which no response is required. To the extent a response is
19 required, defendant admits only to the existence of federal law and regulation,
20 including Title 24 of the Code of Federal Regulations, which speaks for itself
21 as to content, and denies each and every other allegation of said sentences.

22
23 4.59 Answering paragraph 4.59 of the FAC, said paragraph makes
24 general statements of law to which no response is required. To the extent a

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3 response is required, defendant admits only to the existence of federal law and
4 authority, including 24 C.F.R. § 100.500 and *Griggs v. Duke Power Co.*, 401
5 U.S. 424 (1971), which speaks for itself as to content, and denies each and
6 every other allegation of said paragraph.
7
8

9 4.60 Answering the first sentence of paragraph 4.60 of the FAC,
10 defendant denies the same. Answering the second sentence of paragraph 4.60
11 of the FAC, defendant admits only to the existence of its Comprehensive Plan,
12 which speaks for itself as to content, and denies each and every other allegation
13 of said sentence. Answering the third sentence of paragraph 4.60 of the FAC,
14 defendant denies the same.
15
16

17 4.61 Answering paragraph 4.61 of the FAC, defendant denies the same.
18
19 4.62 Answering paragraph 4.62 of the FAC, defendant denies the same.
20
21

V. Damages

22 5.1. Answering paragraph 5.1 of the complaint, defendant denies the
23 same.
24
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VI. Plaintiff's Request For Relief

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6.1. Answering paragraph 6.1 of the complaint, including all subparts thereto, defendant denies the same, and further denies that plaintiff is entitled to any of the relief sought therein.

6.2. Except to the extent specifically admitted above, defendant denies all remaining allegations of the complaint.

VII. Affirmative Defenses

By way of further answer and its first affirmative defenses, defendant,
City of SeaTac alleges as follows:

1. Plaintiff has failed to state a claim upon which relief can be granted for reasons including but not limited to those set forth in defendant's Fed. R. Civ. P. 12(b)(6) motion to dismiss plaintiff's first amended complaint (Dkt. #36).

2. Some or all of plaintiff's claims are barred by res judicata relating to or arising from the lawsuit styled *Medina et al. v. City of SeaTac et al.*, King County Superior Court case number 17-2-07094-7 KNT.

3. Some or all of plaintiff's claims are barred by collateral estoppel relating to or arising from the lawsuit styled *Medina et al. v. City of SeaTac et al.*, King County Superior Court case number 17-2-07094-7 KNT.

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3 4. Plaintiff lacks representational standing because it seeks to
4 recover damages on behalf of its members rather than injunctive or declaratory
5 relief. Plaintiff lacks organizational standing because it was formed in October
6 2016 for the purpose of challenging an administrative land use decision.
7
8

9 5. Plaintiff's claims are barred under the doctrine of waiver because
10 plaintiff and its members voluntarily agreed to move out of the Firs Mobile
11 Home Park.
12

13 6. Plaintiff's claims are barred under *McDonnell Douglas Corp. v.*
14 *Green*, 411 U.S. 792 (1973), and its progeny because defendant possesses
15 legitimate non-discriminatory grounds for all actions challenged by plaintiff
16 herein.
17

18 7. Plaintiff's claims are barred because they arise out of improper
19 claim splitting, circuity of action, and the prior pending action styled *Medina et*
20 *al. v. City of SeaTac et al.*, King County Superior Court case number 17-2-
21 07094-7 KNT.
22

23 8. Claims under the Fair Housing Act arising from conduct of the
24 City alleged to have occurred prior to July 3, 2017, are barred by the statute of
25 limitations applicable to such claims. 42 U.S.C. § 3613(a). Claims under the
26
27

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3 Washington Law Against Discrimination arising from conduct of the City
4
5 alleged to have occurred prior to July 3, 2016, are barred by the statute of
6 limitations applicable to such claims. RCW § 4.16.080(2).
7
8

9 9. Some or all of plaintiff's claims are not ripe because the City's
10 decision to approve the relocation plan is currently on appeal in *Medina et al.*
11 v. *City of SeaTac et al.*, King County Superior Court case number 17-2-07094-
12 7 KNT, and is therefore stayed pursuant to SMC § 15.465.600.H.2.g. Some or
13 all of plaintiff's claims are also not ripe because many HOA members continue
14 to live at the Firs Mobile Home Park, which has not closed.
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IX. Prayer for Relief

17 WHEREFORE, defendant having fully answered plaintiff's complaint
18 and having asserted its affirmative defenses, prays as follows:
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- 21 1. For dismissal of plaintiff's complaint with prejudice;
- 22 2. For an award of all reasonable costs and reasonable attorneys' fees
incurred herein as may be recovered by applicable law;
- 23 3. For such other and further relief as the Court deems just and
equitable.
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25

26 DATED THIS 22nd day of January, 2020.
27
28

DEFENDANT'S AMENDED ANSWER
AND AFFIRMATIVE DEFENSES TO
FIRST AMENDED COMPLAINT
NO. 2:19-cv-01130-RSL - 40

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DEFENDANT'S AMENDED ANSWER
AND AFFIRMATIVE DEFENSES TO
FIRST AMENDED COMPLAINT
NO. 2:19-cv-01130-RSL - 41

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3 CERTIFICATE OF SERVICE
4
5

6 I hereby certify that on January 22, 2020, I filed the foregoing with the
7 Clerk of the Court using the CM/ECF System, which will send notification of
8 such filing to the following:

9 V. Omar Barraza omar@barrazalaw.com
10 Christina L. Henry chenry@hdm-legal.com
11 Ms. Mary E. Mirante Bartolo mmbartolo@seatacwa.gov
12 Mr. Mark S. Johnsen mjohnsen@seatacwa.gov

13 and I hereby certify that I have mailed by United States Postal Service the
14 document to the following non-CM/ECF participants:
15

16 None.

17 s/ KENNETH W. HARPER
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28 DEFENDANT'S AMENDED ANSWER
29 AND AFFIRMATIVE DEFENSES TO
30 FIRST AMENDED COMPLAINT
31 NO. 2:19-cv-01130-RSL - 42

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